

IN THE CLAIMS

Please amend the claims as follows:

Sub C1
1. (Currently Amended) A gateway for preventing overload of gateway resources, comprising:

Central Processing Unit
a processor receiving both a present gateway ~~CPU~~ utilization value and a gateway ~~Central Processing Unit~~ CPU utilization threshold;

the processor setting a call deny flag when the present gateway CPU utilization value is larger than the gateway CPU utilization threshold; and

the processor detecting an incoming call and ~~immediately and permanently refusing~~ indicating refusal of the incoming call if to the incoming call caller without answering the incoming call when the deny flag is set.

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2. (Currently Amended) The gateway according to claim 1 wherein the gateway CPU utilization threshold is set to a value below a total available processing capacity of the gateway to ensure calls currently established on the gateway have access to additional gateway processing resources.

Sub C1
3. (Currently Amended) A method for preventing overload in a packet processing device receiving incoming telephone calls, comprising:

setting a Central Processing Unit (CPU) utilization threshold of a CPU of the gateway;

when an incoming telephone call is received, comparing a present CPU utilization value with the entered CPU utilization threshold; and

~~immediately and permanently refusing~~ indicating refusal of the ~~new~~ incoming telephone call to the ~~new~~ incoming call caller before the new incoming telephone call is answered by the packet processing device when the present CPU utilization value is larger than the threshold.

4. (Previously Presented) The method of claim 3 including setting the CPU utilization threshold to an amount enough below a maximum CPU processing capacity to account for additional processing required for currently established calls.

5. (Currently Amended) The method of claim 3, further comprising determining a the CPU utilization threshold ~~of a CPU of the gateway before setting~~ for a bank of CPUs.

6. (Currently Amended) The method of claim 5, wherein setting is by issuing a setting command, and by saving an aspect of the setting command in non-volatile random access memory (NVRAM) ~~NVRAM.~~

7. (Currently Amended) A computer-readable medium containing a program for preventing overload in a packet telephony gateway, the program comprising:

a CPU utilization threshold input;

an incoming call input when a new incoming telephone call is received;

a present CPU utilization value input;

gauging software for determining, when a new incoming telephone call is denoted as being received, whether a number aspect of the present CPU utilization value input is larger than a number aspect of a CPU utilization threshold input, and if so for setting a deny flag; and

call refusing software for the packet telephony gateway to ~~immediately and permanently~~ refuse the incoming call if the deny flag is set prior to and without ever answering the incoming call.

8. (Original) The medium of claim 7, wherein

the incoming call input sets a ring flag when a new incoming telephone call is received, and

the present CPU utilization value input is updated when the ring flag is set.

9. (Currently Amended) The gateway according to claim 2 wherein the ~~gateway~~ CPU utilization threshold is set to about 70 percent of the total available processing capacity of the gateway.

10. (New) The gateway according to claim 1 wherein the processor detects the incoming call by monitoring a call ring flag.

11. (New) The gateway according to claim 10 including updating the CPU utilization value each time the call ring flag is set.

12. (New) The gateway according to claim 1 wherein the processor detects a ring signal for the incoming call and determines whether or not to refuse the incoming call prior to answering the ring signal.

13. (New) The gateway according to claim 1 including refusing the incoming call by generating a busy signal.

14. (New) The gateway according to claim 1 wherein the processor does not temporarily place refused incoming calls in a queue.

*does not
place temporarily refused
calls*